

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

JUN 16 2005

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE,

PETITIONER,

vs.

JEROME J. O'CONNOR, JR.,

RESPONDENT.

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CAUSE NO. A-1615

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
RECOMMENDED ORDER AND
ORDER

FILED

This matter came on for hearing on the 2nd day of June, 2005, before Janette L. Adair, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Martin W. Swanson. Jerome J. O'Connor, Jr. ("Respondent") was not present and was not represented by counsel. The Rules of Evidence were not requested and the hearing was governed accordingly. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence in the form of exhibits was introduced and the matter taken under advisement. Judicial notice was taken of eight previous administrative actions against Respondent. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent is a licensed resident insurance producer whose registered address with the Department is 16258 Riggs Street, Omaha, Nebraska 68135. Department is aware that Respondent is residing at 2480 Irvine Blvd., Tustin, California 92782.

2. The Department is the agency of the State of Nebraska charged with licensing insurance producers.

3. On or about April 20, 2005, the Petition and Notice of Hearing were served upon Respondent by mailing the same to him at 2480 Irvine Blvd., #333, Tustin, CA 92782. On or about April 27, 2005, Respondent received the certified mail as evidenced by the signed certified mail return receipt attachment to Exhibit 1. (Ex. 1)

4. On or about May 20, 2005, a copy of an Order Continuing Hearing in this matter and Cause No. A-1620 was served upon Respondent by mailing the same to him at 2480 Irvine Blvd., #333, Tustin, CA 92782. As of the hearing date, neither the envelope containing the copy of the Order nor the certified mail return receipt have been returned by the United States Postal Service. (Ex. 1) Department Counsel Swanson represented that he spoke with Respondent and that Respondent was aware of the hearing date.

5. By affidavit, Beverly Creager, Administrator of the Producer Licensing Division testified that Respondent holds a resident producers license that is currently suspended as a result of Cause Nos. A-1536 and A-1566. (Ex. 2).

6. By affidavit, Barbara Ems, Insurance Investigator for the Consumer Affairs Division testified that she sent a certified letter to Respondent on January 27, 2005. A response to this letter was due in fifteen working days, specifically, February 21, 2005. (Ex. 3).

7. By affidavit, Jane Francis, Administrator of the Consumer Affairs Division testified that she sent a certified letter to Respondent on February 23, 2005. This letter referenced, and included a copy of, the January 27, 2005 letter from Ems. In the letter Francis informed Respondent that he was still required to answer the January 27, 2005 letter and had fifteen working days to respond. (Ex. 4).

8. On or about February 28, 2005, Respondent contacted Ems, acknowledged receipt of the January 27, 2005 letter, and requested additional time to respond. Ems

advised Respondent that a follow up letter had been sent and it was necessary for Respondent to respond immediately. (Ex. 3).

9. On or about February 28, 2005, Respondent received the certified mail as evidenced by the signed certified mail return receipt attachment to Exhibit 4.

10. Respondent responded to the January 27, 2005 and the February 23, 2005 letters on March 23, 2005. (Ex. 3 & 4).

11. Respondent did not respond to the January 27, 2005 letter within fifteen working days as required by statute.

12. Respondent did not respond to the February 23, 2005 letter within fifteen working days as required by statute.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over the licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat. §44-4047 et seq.*

2. The Department has personal jurisdiction over Respondent.

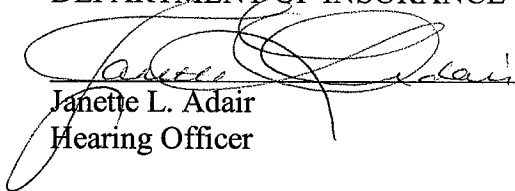
3. Respondent violated *Neb. Rev. Stat. §44-4059(1)(b)* on two occasions when he failed to respond to the Department's requests within fifteen working days as required by *Neb. Rev. Stat. §44-1525(11)*.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent pay an administrative fine of one thousand dollars (\$1000.00) due within 30 days after the Director of Insurance or his designee signs the certificate adopting this order. If Respondent fails to pay the amount required within the time specified, Respondent's Nebraska insurance producers license shall automatically be revoked.

Dated this 16th day of June, 2005.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

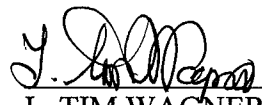

Janette L. Adair
Hearing Officer

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of this Department in the matter of State of Nebraska Department of Insurance v. Jerome J. O'Connor, Jr., Cause No. A-1615.

Dated this 16th day of June, 2005.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE


L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon the Respondent by mailing a copy to Respondent at 16258 Riggs Street, Omaha, NE 68135, and 2480 Irvine Blvd, #333, Tustin, CA 92782 by certified mail, return receipt requested and by U.S. Mail, postage prepaid, on this 17th day of June, 2005.

